

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of: Matti PUPUTTI	Confirmation No.: 9503
Application No.: 09/989,301	Examiner: Chowdhury, Sumaiya A
Filed: November 19, 2001	Group Art Unit: 2421

For: METHOD AND APPARATUS FOR DYNAMIC PROVISIONING OF IP-BASED SERVICES IN A DVB NETWORK

Commissioner for Patents
Alexandria, VA 22313-1450

REPLY BRIEF

Dear Sir:

This Reply Brief is submitted in response to the Examiner's Answer mailed November 10, 2010.

I. STATUS OF THE CLAIMS

Claims 57-76 are pending in this appeal, in which claims 1-56 have previously been canceled. No claim is allowed. This appeal is therefore taken from the final rejection of claims 57-76 on August 3, 2009.

II. GROUND S OF REJECTION TO BE REVIEWED

Claims 57-76 were rejected for obviousness under 35 U.S.C. §103(a) based on *Kessler* (US 6,741,288) in view of *Levitan* (US 2002/0147769).

III. ARGUMENT

Initially, Appellant maintains and incorporates herein the arguments advanced in the Appeal Brief filed July 23, 2010. The arguments presented *infra* address certain new assertions presented by the Examiner in the Answer.

In describing the primary reference to *Kessler*, at pages 5 and 7 of the Answer, the Examiner asserted that it “is well-known in the art that the PSIP table also comprises various tables among them is included a Network Information Table (NIT).” Appellant respectfully disagrees with this assertion. There is no evidence of record that the PSIP table in *Kessler* also comprises a Network Information Table, much less a Network Information Table that “contains a linkage to a control channel,” as claimed.

In any event, even assuming, *arguendo*, that the PSIP tables of *Kessler* comprise something that could be interpreted as a “network information table,” an assumption with which Appellant does not agree, the PSIP tables of *Kessler* provide information about **terrestrial broadcast and cable broadcast streams**. The claimed network information table (NIT) includes tuning information for accessing Internet protocol based services, rather than broadcast services with which *Kessler* is concerned. Since *Kessler* is not concerned with tuning information for accessing Internet protocol based services, there is no reason to believe that any tables within the PSIP tables of *Kessler* would comprise “tuning information for accessing Internet protocol based services.”

At pages 7-8 of the Answer, responsive to Appellant’s argument that the claimed feature of “linkage to a control channel” is not taught by either of the applied references, the Examiner asserted that *Kessler* teaches this claim feature. In particular, the Examiner asserted that *Kessler* transmits a PSIP and an MPEG table to a receiver and that the “PSIP table includes a network

information table (NIT). Hence, Kessler teaches the aspect of transmitting an NIT table by transmitting a PSIP.” The Examiner also asserted that the “MPEG table transmitted includes a Program Association Table (PAT)” and that, therefore, the “network information table contains a linkage to the PAT (control channel). Appellant respectfully disagrees.

The Examiner’s position requires several leaps of faith. As previously argued, *Kessler* does not teach a network information table of any kind, let alone a network information table comprising “tuning information for accessing Internet protocol based services.” Appellant is aware that the *Leviton* reference is relied on for a teaching of accessing Internet protocol based services but, even so, with a lack of teaching, by *Kessler*, of any network information table, there would have been no reason to modify *Kessler* with a network information table and then further modify that network information table to include “tuning information for accessing Internet protocol based services.”

Even assuming, *arguendo*, that *Kessler*’s PSIP table includes a network information table, an assumption with which Appellant does not agree, the Examiner acknowledged that *Kessler* transmits two tables, a PSIP table and an MPEG table and that the MPEG table includes a PAT. Therefore, in accordance with the Examiner’s reasoning, *Kessler* describes a PSIP table with a network information table and a PAT, which is interpreted to constitute a “control channel” (an interpretation with which Appellant does not necessarily agree). Thus, at best, under the Examiner’s interpretation, *Kessler* describes two separate tables, one including a network information table and the other including a “control channel.” Hence, contrary to the Examiner’s conclusion, there is no linkage between the control channel of one transmitted table and the network information table of a separately transmitted table. That is, there is no apparent connection, or linkage, between a network information table (to the extent there exists such a

table, which Appellant contends there does not) of the PSIP and a control channel (to the extent one may exist) of the MPEG table of *Kessler*.

Contrary to the Examiner's assertion, at page 8 of the Answer, there is no evidence of record that the PAT of *Kessler* is linked to any network information table nor that the PAT of *Kessler* contains any access information corresponding to services.

IV. CONCLUSION AND PRAYER FOR RELIEF

The claims require "a network information table" and "the network information table contains a linkage to a control channel," as well as "the control channel contains access information corresponding to one or more internet protocol based services," but neither *Kessler* nor *Levitan*, or any combination thereof discloses or suggests these claim features. Appellant, therefore, requests the Honorable Board to reverse the Examiner's rejection.

Respectfully Submitted,

DITTHAVONG MORI & STEINER, P.C.

January 10, 2011
Date

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